

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ERIC JOHNSON,

Plaintiff,

v.

PHYSICIAN,

Defendant.

Case No. 3:25-cv-00112-ART-CSD

ORDER

Plaintiff Eric Johnson brings this civil-rights action under 42 U.S.C. § 1983. (ECF No. 12). On May 1, 2025, this Court ordered Johnson to file an amended complaint by May 31, 2025. (ECF No. 12). The Court warned Johnson that the action could be dismissed if he failed to file an amended complaint by that deadline. (*Id.* at 8). That deadline passed, and Johnson did not file an amended complaint, move for an extension, or otherwise respond.

I. DISCUSSION

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case. *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986). A court may dismiss an action based on a party’s failure to obey a court order or comply with local rules. *See Carey v. King*, 856 F.2d 1439, 1440-41 (9th Cir. 1988) (affirming dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order). In determining whether to dismiss an action on one of these grounds, the Court must consider: (1) the public’s interest in expeditious resolution of litigation; (2) the Court’s need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the availability of less drastic alternatives. *See In re Phenylpropanolamine Prod. Liab. Litig.*, 460 F.3d 1217,

1 1226 (9th Cir. 2006) (quoting *Malone v. U.S. Postal Serv.*, 833 F.2d 128, 130 (9th
2 Cir. 1987)).

3 The first two factors, the public's interest in expeditiously resolving this
4 litigation and the Court's interest in managing its docket, weigh in favor of
5 dismissal of Johnson's claims. The third factor, risk of prejudice to defendants,
6 also weighs in favor of dismissal because a presumption of injury arises from the
7 occurrence of unreasonable delay in filing a pleading ordered by the court or
8 prosecuting an action. See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir.
9 1976). The fourth factor—the public policy favoring disposition of cases on their
10 merits—is greatly outweighed by the factors favoring dismissal.

11 The fifth factor requires the Court to consider whether less drastic
12 alternatives can be used to correct the party's failure that brought about the
13 Court's need to consider dismissal. See *Yourish v. Cal. Amplifier*, 191 F.3d 983,
14 992 (9th Cir. 1999) (explaining that considering less drastic alternatives *before*
15 the party has disobeyed a court order does not satisfy this factor); accord
16 *Pagtalunan v. Galaza*, 291 F.3d 639, 643 & n.4 (9th Cir. 2002) (explaining that
17 “the persuasive force of” earlier Ninth Circuit cases that “implicitly accepted
18 pursuit of less drastic alternatives prior to disobedience of the court's order as
19 satisfying this element[,]” *i.e.*, like the “initial granting of leave to amend coupled
20 with the warning of dismissal for failure to comply[,]” have been “eroded” by
21 *Yourish*). Courts “need not exhaust every sanction short of dismissal before
22 finally dismissing a case, but must explore possible and meaningful
23 alternatives.” *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986).
24 Because this action cannot realistically proceed until and unless Johnson files
25 an amended complaint, the only alternative is to enter a second order setting
26 another deadline. But the reality of repeating an ignored order is that it often
27 only delays the inevitable and squanders the Court's finite resources. The
28 circumstances here do not indicate that this case will be an exception: there is

1 no hint that Johnson needs additional time or evidence that he did not receive
2 the Court's screening order. Setting another deadline is not a meaningful
3 alternative given these circumstances. So the fifth factor favors dismissal.

4 **II. CONCLUSION**

5 Having thoroughly considered these dismissal factors, the Court finds that
6 they weigh in favor of dismissal. It is therefore ordered that this action is
7 dismissed without prejudice based on Johnson's failure to file an amended
8 complaint in compliance with this Court's May 1, 2025, order. The Clerk of Court
9 is directed to enter judgment accordingly and close this case. No other
10 documents may be filed in this now-closed case. If Johnson wishes to pursue his
11 claims, he must file a complaint in a new case.

12 It is further ordered that Johnson's application to proceed *in forma*
13 *pauperis* (ECF No. 8) is denied as moot.

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15 DATED: June 27, 2025.

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19 ANNE R. TRAUM
20 UNITED STATES DISTRICT JUDGE
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